

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MARK FORD,)	CIVIL ACTION NO. 4:21-CV-1957
Plaintiff)	
)	
v.)	
)	(ARBUCKLE, M.J.)
TYLER SMITH, <i>et al.</i> ,)	
Defendants)	

ORDER

In accordance with the accompanying Memorandum Opinion, it is ORDERED that Defendants' Motion for Summary Judgment is GRANTED in part as follows:

- (1) Summary judgment is GRANTED in Defendants' favor as to Plaintiff's claim of Retaliatory Denial of Food against C/O Smith.
- (2) Summary Judgment is GRANTED in Defendants' favor as to Plaintiff's claim of Retaliatory Discipline against C/O Powell. C/O Powell is therefore no longer a party to this case.
- (3) Summary Judgment is GRANTED in Defendants' favor as to Plaintiff's claim of Retaliatory Discipline against Hearing Examiner Wiederhold. Hearing Examiner Wiederhold is therefore no longer a party to this case.
- (4) We conclude *sua sponte* that summary judgment in Defendants' favor is appropriate for reasons not raised by the parties as to Plaintiff's two remaining claims (Retaliatory Verbal Harassment and Retaliatory Discipline) against C/O Smith. *See* Fed. R. Civ. P. 56(f).

Because we reached this conclusion *sua sponte*, we will allow each party to respond to our reasoning in writing, and if necessary, to supplement the summary judgment record as to these two claims.

These objections are due in thirty (30) days. If no objections are received in thirty (30) days, summary judgment will be entered as to these two remaining claims and this case will be closed.

Date: September 27, 2024

BY THE COURT

s/William I. Arbuckle

William I. Arbuckle

U.S. Magistrate Judge